

FILED

2013 SEP 10 PM 3:15

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

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4 90 South Seventh Street
5 Minneapolis, Minnesota 55402
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13 cholt@klinedinstlaw.com

14 Attorneys for Defendant
15 FIRST NATIONAL COLLECTION
16 BUREAU, INC.

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 MICHAEL A. ROBBIN,

20 Plaintiff,

21 v.

22 FIRST NATIONAL COLLECTION
23 BUREAU, INC.,
24 Co.
25 Defendant.

Case No.

CV 13-06633-SVW
(JCG)

NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441(a)
(FEDERAL QUESTION)

26 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

27 PLEASE TAKE NOTICE that the defendant, First National Collection
28 Bureau, Inc. ("FNCB"), hereby removes to this Court the state court action
described below.

1 On August 12, 2013, the plaintiff, Michael A. Robbin ("Plaintiff"),
filed a claim and order to go to small claims court ("Complaint") in the Superior
Court of California, County of Los Angeles, thereby commencing a lawsuit
entitled *Robbin, Michael A. v. First National Collection Bureau, Inc.*, and assigned

MOSS & BARNETT, P.A.
4800 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402

1 Case No. 13S04254. A copy of the Complaint is attached as Exhibit A.

2 2. On August 12, 2013, the Executive Officer/Clerk of the Los Angeles
3 Superior Court mailed FNCB's attorneys a copy of the Complaint, which was
4 received on or about August 16, 2013. FNCB is filing this notice within 30 days
5 after receipt of the Complaint. This removal is, therefore, timely. *See* 28 U.S.C.
6 § 1446(b).

7 3. Plaintiff asserts claims against FNCB based on its alleged attempts to
8 collect a debt from Plaintiff that was discharged in a bankruptcy case in 2002.¹
9 The bankruptcy discharge injunction arises under federal law. *See* 11 U.S.C.
10 § 524. Accordingly, this action is a civil action of which this Court has original
11 jurisdiction under 28 U.S.C. § 1331, and is one that FNCB may remove to this
12 Court pursuant to 28 U.S.C. § 1441.

13 4. FNCB has not been served with any other process, pleadings, or
14 orders in this action.

15 5. As required by 28 U.S.C. § 1446(d), FNCB will give notice of the
16 filing of this notice to Plaintiff and to the clerk of the Superior Court of California,
17 County of Los Angeles, where the action is currently pending.

18 WHEREFORE, FNCB respectfully requests that the above-captioned matter
19 currently pending in the Superior Court of California, County of Los Angeles, be
20 removed to this Court.

21
22
23
24
25
26 ¹ Plaintiff actually pleads that FNCB "violated the laws by attempting to collect a
27 *dept* that was discharged in the Chapter 7 bankruptcy court in 2002[.]" (Compl.)
28 (emphasis added). FNCB assumes this was just a scrivener's error, and that
Plaintiff intended to plead that FNCB attempted to collect a discharged debt, not a
dept.

MOSS & BARNETT, P.A.
4800 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402

MOSS & BARNETT, P.A.

Dated: September 11, 2013

By:



ISSA K. MOE
Attorneys for Defendant
FIRST NATIONAL COLLECTION
BUREAU, INC.

Plaintiff's Claim and ORDER SC-100 to Go to Small Claims Court

Notice to the person being sued:

- You are the Defendant if your name is listed in (2) on page 2 of this form. The person suing you is the Plaintiff, listed in (1) on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en (2) de la pagina 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la pagina 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuacion. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podria ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las paginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court

The people in (1) and (2) must go to court: (Clerk fills out section below.)

TRIAL DATE	TIME	DEPARTMENT	LOCATION
09/18/2013	08:30 AM	SW8	SMALL CLAIMS

Date: 08/12/2013

JOHN A. CLARKE, Executive Officer/Clerk
By DIANA A. DUPREE, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-100-INFO, *Information for the Plaintiff* to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to: www.courts.ca.gov/smallclaims/forms
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18--not you or anyone else listed in this case--give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court
AUG 12 2013
John A. Clarke, Executive Officer/Clerk
By D. Dupree, Deputy

Fill in court name and street address:

Superior Court of California, County of
Los Angeles: SOUTHWEST DISTRICT (-19455-)
INGLEWOOD COURTHOUSE
ONE REGENT STREET
INGLEWOOD, CA. 90301
(310) 419-5132

Clerk fills in case number and case name:

Case Number:
ING 13S04254
Case Name:
ROBBIN, MICHAEL VS FIRST NATIONAL



Case Number: ING 13S04254

Plaintiff (list names): ROBBIN, MICHAEL A.

(1) The Plaintiff (the person, business, or public entity that is suing) is:

Name: ROBBIN, MICHAEL A.

Phone: (310) 645-0609

Street address:

Street

City

State Zip

Mailing address (if different): 6001 W. 74TH ST.

Street

LOS ANGELES
CityCA 90045
State Zip**If more than one Plaintiff, list next Plaintiff here:**

Name:

Phone:

Street address:

Street

City

State Zip

Mailing address (if different):

Street

City

State Zip

☐ Check here if more than 2 Plaintiffs and attach Form SC-100A.☐ Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.**(2) The Defendant (the person, business, or public entity being sued) is:**Name: FIRST NATIONAL COLLECTION BUREAU CO. INC. AGENT FOR SRV: CHRISTOPHER D.
HOLT, KLINEDINST PC.

Phone: (714) 542-1800

Street address:

Street

City

State Zip

Mailing address (if different): 5 HUTTON CENTER DR. #1000

Street

SANTA ANA
CityCA 92707
State Zip**If more than one Defendant, list next Defendant here:**

Name:

Phone:

Street address:

Street

City

State Zip

Mailing address (if different):

Street

City

State Zip

☐ Check here if more than 2 Defendants and attach Form SC-100A.☐ Check here if any Defendant is on active military duty, and write his or her name here:**(3) The Plaintiff claims the Defendant owes \$10000.00. (Explain below):**

a. Why does the Defendant owe the Plaintiff money?

DEFENDANT VIOLATED THE LAWS BY ATTEMPTING TO COLLECT A DEPT THAT
WAS DISCHARGED IN THE CHAPTER 7 BANKRUPTCY COURT IN 2002, SEE
EXHIBITS ATTACHED.

b. When did this happen? (Date): 01 / 04 / 2013

If no specific date, give the time period: Date Started: Through:

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)
FINES AND PUNITIVE DAMAGES☐ Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.

Case Number: ING 13S04254

Plaintiff (list names): ROBBIN, MICHAEL A.

(4) You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue.**Have you done this?** ☒ Yes ☐ No*If no, explain why not:***(5) Why are you filing your claim at this courthouse?****This courthouse covers the area** *(Check the one that applies):*a. ☐ (1) Where the Defendant lives or does business.

(2) Where the Plaintiff's property was damaged.

(3) Where the Plaintiff was injured.

(4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.

b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. *(Code Civ. Proc., 395(b).)*c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). *(Civil Code, 1812.10.)*d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. *(Civil Code, 2984.4.)*e. ☒ Other *(specify):* PLAINTIFF LIVES IN AN AREA WHERE THE COURT IS THE RIGHT VENUE**(6) List the zip code of the place checked in (5) above** *(if you know):* 90045**(7) Is your claim about an attorney-client fee dispute?** ☐ Yes ☒ No
If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here: ☐**(8) Are you suing a public entity?** ☐ Yes ☒ No
If yes, you must file a written claim with the entity first. ☐ *A claim was filed on (date):*
*If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.***(9) Have you filed more than 12 other small claims within the last 12 months in California?**
☐ Yes ☒ No *If yes, the filing fee for this case will be higher.***(10) I understand that by filing a claim in small claims court, I have no right to appeal this claim.****(11) I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.**

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 08/12/2013

Plaintiff types or prints name here

Plaintiff signs here

Date:

Second Plaintiff types or prints name here

Second Plaintiff signs here

Requests for AccommodationsAssistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask least 5 days before the trial. Contact the clerk's office for Form MC-410, *Request for Accommodations by Persons With Disabilities and Response.* *(Civil Code, 54.8.)*

SC-100**Information for the Defendant (the person being sued)**

"Small claims court" is a special court where claims for \$5,000 or less are decided. A "natural person" (not a business or public entity) may generally claim up to \$10,000, including a sole proprietor. (*See below for exceptions.) The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who is suing you is the Plaintiff.

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court?

You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well?

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at: www.courts.ca.gov/smallclaims/forms.

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge's decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 16 days to appeal the decision. File Form SC-140.

For more information on appeals, see:
www.courts.ca.gov/smallclaims/appeals.

*Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc. § 116.220(c).) In an action brought by a natural person for damages for bodily injuries resulting from an automobile accident, a \$7,500 limit applies if a defendant is covered by an automobile insurance policy that includes a duty to defend. (See Code Civ. Proc. § 116.221.)

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant's Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial) *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county) *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.

**Need help?**

Your county's Small Claims Advisor can help for free.

Small Claims Advisors are available Monday thru Friday, 8:30 A.M. to 4:30 P.M. at the County Hall of Administration 500 West Temple Street, Room B96, Los Angeles 90012 or by calling (213) 974-9759.

Or go to www.courts.ca.gov/smallclaims/advisor.

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Or go to www.courts.ca.gov/smallclaims/advisor.

Form B18 (Official Form 18)
(1/98)

United States Bankruptcy Court
Central District of California
255 East Temple Street, Los Angeles, CA 90012

exhib-# 1

DISCHARGE OF DEBTOR
IN A CHAPTER 7 CASE

DEBTOR(S) INFORMATION:
ROBBIN, MICHAEL
SSN: 261-02-7745
EIN: N/A
8001 WEST 74TH STREET
LOS ANGELES, CA 90045

BANKRUPTCY NO. LA 01-46769-BR

CHAPTER 7

It appearing that the debtor is entitled to a discharge, IT IS ORDERED: The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT,

Jon D. Ceretto
Clerk of the Court

Date: March 25, 2002

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION

exhibit # 2

Form B18 Continued
(1/98)**EXPLANATION OF BANKRUPTCY DISCHARGE
IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:]* [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed whether the debt was included in the schedules or omitted from them. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts That are Not Discharged

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are.

- a. Debts for most taxes;
- b. Debts that are in the nature of alimony, maintenance, or support;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- e. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- f. Some debts which were not properly listed by the debtor;
- g. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- h. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Any party may request reopening of a bankruptcy case to determine whether a particular debt was included within the scope of the discharge. In re Beezley, 994 F. 2d 1433 (9th Cir. 1993). Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

In re ROBBIN, MICHAEL
DebtorCase No. LA 01-46769 RR
(If known)**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**
(Continuation Sheet)

exhibit # (3)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CREDITOR ADDRESS NOT TO BE RECORDED	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. 4356 5700 0974 7282 B OF A PLATINUM VISA P.O. BOX 5270 CAROL STREAM, IL 60197		CREDIT CARD 1990				✓ 9,510.00
ACCOUNT NO. 4071 2967 7200 3349 FLEET p.o. box 15400 wilmington, de 19850		credit card 1989				✓ 7,900.00
ACCOUNT NO. 5291 1512 9369 7411 capital one p.o. box 60000 SEATTLE, WA 98190-6000		CREDIT CARD 1989				6,800.00
ACCOUNT NO. 5491 1301 8258 3239 AT&T UNIVERSAL P.O. BOX 44167 JACKSONVILLE, FL 32231		CREDIT CARD 1990				8,800.00
ACCOUNT NO. 4417 1221 8118 2545 FIRST USA P.O. BOX 50882 HENDERSON, NV 89016		CREDIT CARD 1989				5,872.00
Page Total \$						38,882.00

Dept. # 21377
PO Box 1257
Oaks, PA 17456
ADDRESS SERVICE REQUESTED



610 Waltham Way
Sparks, NY 89434
(800) 824-6191

January 14, 2013
Office Hours:
Mon. - Fri. 8 A.M. - 6 P.M.
Sat. 8 A.M. - 12 NOON
Pacific Standard Time

* Please remit all correspondence
to the above address

MICHAEL A ROBBIN
6001 W 74TH ST
LOS ANGELES CA 90045-1603

Creditor: PYCO LLC
Original Creditor: Chase Bank USA, N.A.
Account #: 628A-475741289
Ref #: 045427724
Original Account #: 4417122181102845
Total Due: \$5,852.33

SETTLEMENT OFFER

88% OFF YOUR DEBT

20% IN 6 PAYMENTS

Our client MESURGENT CAPITAL SERVICES, LP is offering you a settlement of \$1,330.47 in 6 payments over 6 months starting on 01/25/13. (21 days)

Once payments of \$221.74 have been paid to our office on 01/25/13, we will consider this account settled in full. Payments may not be more than 90 days apart or this settlement may be cancelled. Please send in the payments along with the payment stub to the address listed on the coupon.

This settlement offer is only guaranteed if we receive your payments in our office on or before the dates set forth in this letter. If we do not receive payment in these amounts by these dates, we reserve the right to modify the settlement offer, or revoke it in its entirety.

If you wish to speak with a representative please call (800) 824-6191.

Sincerely,

First National Collection Bureau, Inc.
(800) 824-6191

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

The law limits how long you can be sued on a debt.

CLERK'S
CERTIFICATE
OF SERVICE
BY MAIL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
SOUTHWEST DISTRICT (-19455-)
INGLEWOOD COURTHOUSE

ROBBIN, MICHAEL A.

vs. FIRST NATIONAL COLLECTION

CASE NUMBER: 13S04254

CLERK'S CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the PLAINTIFF'S CLAIM upon each party or counsel named below by depositing in the United States mail at the courthouse in INGLEWOOD, CALIFORNIA, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

ROBBIN, MICHAEL A.

6001 W. 74TH ST.
LOS ANGELES, CA 90045

FIRST NATIONAL COLLECTION BUREAU CO.
INC. AGENT FOR SRV: CHRISTOPHER D.
5 HUTTON CENTER DR. #1000
SANTA ANA, CA 92707

*PLS give
Back to me.
Thx.*

JOHN A. CLARKE, Executive Officer/Clerk

DATED: 08/12/2013
CIV10

DIANA A. DUPREE, DEPUTY CLERK
CLERKS CERTIFICATE OF MAILING

(CCP 1013a (3))

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Stephen V. Wilson and the assigned
Magistrate Judge is Jay C. Gandhi.

The case number on all documents filed with the Court should read as follows:

2:13-CV-6633-SVW (JCGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

September 10, 2013

Date

By MDAVIS

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:



Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012



Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701



Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself) <input checked="" type="checkbox"/> Michael A. Robbin		DEFENDANTS First National Collection Bureau, Inc.	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)		Attorneys (If Known) Issa K. Moe, Moss & Barnett, P.A., 4800 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402, 612-877-5399	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

V. REQUESTED IN COMPLAINT: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint)	MONEY DEMANDED IN COMPLAINT: \$10,000
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Plaintiff's claims are based on defendant's alleged attempts to collect a debt discharged in a bankruptcy. The bankruptcy discharge injunction arises under 11 U.S.C. § 524.

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV13-06633

FOR OFFICE USE ONLY: Case Number: 2:13-cv-04504-FMO-SS

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☐ No ☒ Yes
If yes, list case number(s): 2:13-cv-04504-FMO-SS

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes
If yes, list case number(s): 2:13-cv-04504-FMO-SS

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Nevada

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 9/10/13

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))